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PTO/SB/21 (09-04)

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TRANSMITTAL FORM

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Total Number of Pages in This Submission

17

Application Number 09/682,323

Filing Date AUGUST 20, 2001

First Named Inventor MATTHEW J. PODUSKA

Art Unit 2111

Examiner Name K. DANG

Attorney Docket Number 01P1511

ENCLOSURES (Check all that apply)

<input checked="" type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance Communication to TC
<input checked="" type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment/Reply	<input type="checkbox"/> Petition	<input checked="" type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
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<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Power of Attorney, Revocation	<input type="checkbox"/> Status Letter
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SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	SIMMONS PERRINE ALBRIGHT & ELLWOOD, P.L.C.		
Signature			
Printed name	GREGORY G. WILLIAMS		
Date	JANUARY 10, 2005	Reg. No.	31,681

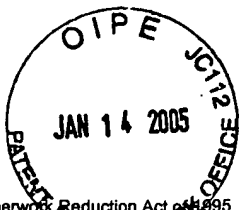
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This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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Effective on 12/08/2004.

Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).

FEE TRANSMITTAL For FY 2005

☒ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$) 250.00

Complete if Known

Application Number 09/682,323
Filing Date August 20, 2001
First Named Inventor Matthew J. Poduska
Examiner Name K. Dang
Art Unit 2111
Attorney Docket No. 01P1511

METHOD OF PAYMENT (check all that apply)

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FEE CALCULATION

1. BASIC FILING, SEARCH, AND EXAMINATION FEES

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid (\$)
	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	
Utility	300	150	500	250	200	100	
Design	200	100	100	50	130	65	
Plant	200	100	300	150	160	80	
Reissue	300	150	500	250	600	300	
Provisional	200	100	0	0	0	0	

2. EXCESS CLAIM FEES

Fee Description	Fee (\$)	Small Entity Fee (\$)
Each claim over 20 (including Reissues)	50	25
Each independent claim over 3 (including Reissues)	200	100
Multiple dependent claims	360	180
Total Claims		
Extra Claims	Fee (\$)	Fee Paid (\$)
- 20 or HP =	x	=
HP = highest number of total claims paid for, if greater than 20.		
Indep. Claims		
Extra Claims	Fee (\$)	Fee Paid (\$)
- 3 or HP =	x	=
HP = highest number of independent claims paid for, if greater than 3.		

3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

Total Sheets Extra Sheets Number of each additional 50 or fraction thereof Fee (\$)

- 100 = / 50 = (round up to a whole number) x = Fee Paid (\$)

4. OTHER FEE(S)

Non-English Specification, \$130 fee (no small entity discount)

Other (e.g., late filing surcharge):

Fees Paid (\$)

SUBMITTED BY

Signature

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Date January 10, 2005

This collection of information is required by 37 CFR 1.136. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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§ Serial No: 09/682,323

§
§ Filed: August 20, 2001

Group Art Unit:2111

Examiner: K. Dang

CERTIFICATE OF MAILING (37 C.F.R. 1.8)

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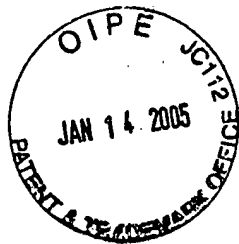
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ATTORNEY FOR APPLICANT

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND
INTERFERENCES



In re Application of:

Matthew J. Poduska

Serial No: 09/682,323

Filed: August 20, 2001

For: METHOD AND SYSTEM FOR
PROVIDING INDEPENDENT
SERVER FUNCTIONALITY IN A
SINGLE PERSONAL COMPUTER

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Group Art Unit: 2111

Examiner: K. Dang

Attorney Docket: 01P1511

SUBMITTED: January 10, 2005

Commissioner for Patents
P. O. Box 1450
Alexandria, Virginia 22313-1450

APPLICANTS' BRIEF ON APPEAL TO THE BOARD

This is an appeal from the final rejection of the Examiner dated August 13, 2004, rejecting all of the claims pending in the case. This Brief is accompanied by the requisite fee set forth in §1.17(c).

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BEFORE THE BOARD OF PATENT APPEALS AND
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REAL PARTY IN INTEREST

The real party in interest in this appeal is the assignee, Crystal Group Inc.

RELATED APPEALS AND INTERFERENCES

The application on appeal is not subject to, or an element in, any other appeal or interference proceeding within the U.S. Patent and Trademark Office.

STATUS OF CLAIMS

Claims 1-11 are pending, have been finally rejected, and are all on appeal.

STATUS OF AMENDMENTS

No amendments to the claims or the specification have been filed subsequent to the final rejection dated 08/13/04.

SUMMARY OF THE CLAIMED SUBJECT MATTER

Without limiting the claims on appeal, the independent claims of the application are summarized below:

Independent Claim 1: A computer system which comprises: a chassis and a shroud and a plurality of circuit card receiving slots, a plurality of circuit cards in the slots

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where each provides an independent dedicated server function AND, THESE CARDS ARE NOT DIRECTLY CONNECTED TO ANY INTER-CARD BUS. The last four lines of page 4 of the specification state as follows:

“The only electrical connections with first industry standard expansion card having an independent dedicated server function 124, and second industry standard expansion card having an independent dedicated server function 126, is a power provisioning connection via shared power supply 110 and power distribution line 112.”

Independent Claim 11: Claim 11 is a method claim for providing computing functions comprising:

Providing a single source of power to a plurality of slots,

Providing a plurality of cards dedicated to a single server function;

Providing a DEDICATED COMMUNICATION LINE FOR EACH CARD;

AND

**PROHIBITING DIRECT COMMUNICATION FROM THE CARDS TO A
BUS EXTENDING BETWEEN THE SLOTS;**

Page 5 lines 1-6 state:

“First industry standard expansion card having an independent dedicated server function 124 and second industry standard expansion card having an independent dedicated server function 126, communicate with the outside world and each other via dedicated external connections to first dedicated communication connector 134 and second dedicated communication connector 136 respectively.”

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GROUND OF REJECTIONS TO BE REVIEWED ON APPEAL

Claims 1, 3, 4, 6, 7 and 11 have been finally rejected for anticipation under 35 U.S.C. §102(e) by the Asano reference.

Claims 2, 5, 8, 9 and 10 have been finally rejected under 35 U.S.C. §103(a) as being obvious in view of the Asano reference.

ARGUMENT

ANTICIPATION OF CLAIMS 1, 3, 4, 6, 7 under 35 U.S.C. §102(e) by the Asano reference.

The analysis of the Examiner's erred rejection begins with the claims as amended.

CLAIM 1

Claim 1, as presented on appeal, is easily distinguishable from the Asano reference. Claim 1 includes the following limitation:

“each of said plurality of planar shaped circuit cards being
configured so as to be free from any direct communication
connection with any inter-card bus inside said enclosure.”
(emphasis added)

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Figure 1 of the Asano reference clearly shows that network interface processors 7(a) and 7(b) are coupled to the Host side PCI bus 1(b). There can be no doubt that this PCI bus is intended in Asano for more than just provisioning of power. In column 4, lines 50-60 of Asano, it states:

Note that the PCI buses are used in this embodiment, but the present invention is not necessarily limited to the use of PCI buses and other buses such as VME (Versa Module Europe) buses may be used instead. Also, the PCI bus of the host machine may be further connected with other devices such as network controller board and SCSI board. In addition, the Ethernet is used as a network in this embodiment, but similarly the other network such as those of ATM (Asynchronous Transfer Mode) and FDDI (Fiber Distributed Data Interface) may be used instead.

Since the network cards 7a and 7b of Asano are coupled through the PCI bus, the Examiner errs when saying Asano is FREE FROM any direction connection with an inter-card bus.

The anticipation rejection of claims 1, 3, 4, 6 and 7 should be overturned.

**ANTICIPATION REJECTION OF CLAIM 11 BASED UPON THE ASANO
REFERENCE**

Claim 11 includes the following limitations:

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“prohibiting direct communication from said first industry standard expansion card to a bus extending between said plurality of industry standard expansion slots; and,

prohibiting direct communication from said second industry standard expansion card to a bus extending between said plurality of industry standard expansion slots. (emphasis added)

The Examiner gives short shrift to claim 11 before summarily rejecting it. The Examiner merely states on the bottom of page 3 of the office action dated 2/26/04:

“With regard to claim 11, it is clear that one practicing the device of Asano et al. (see discussion above) would have performed the same steps set forth in claim 11.”

The Examiner never even mentioned the limitations of claims.

If the Examiner had examined the limitations in Claim 11, the Examiner would have found the above limitations relating to PROHIBITTING DIRECT COMMUNICATION BETWEEN THE CARDS AND A BUS EXTENDING BETWEEN THE SLOTS.

There can be no dispute that the Asano reference teaches away from these limitations. Again, when Asano specifically calls the bus 1b as a PCI bus and when Asano discusses alternatives to the PCI bus, it states in the excerpt above from Column 4 that full communication is contemplated.

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Clearly when the alternatives to the PCI bus all provide full data transfer and network ability, there is no doubt that they are not PROHIBITING DIRECT COMMUNICATION...with a bus extending between the cards.

THE OBVIOUSNESS REJECTION OF CLAIMS 2, 5, 8, 9 AND 10

The Examiner rejected the remaining claims under 35 U.S.C. §103(a) as being unpatentable over the Asano reference alone. No other prior art was cited in support of these rejections.

The Applicant repeats the arguments above with respect to claims 1, 3, 4, 6 and 7 with respect to the claims rejected for obviousness. Since these claims all add additional limitations to claim 1, there need be no further discussion with respect to the lack of teaching in Asano with respect to claim 1. Additionally, since Asano teaches a need for a direct connection with an inter-card bus, and further teaches that the alternative to the PCI bus all have direct connections, then this clearly constitutes a teaching away from the claimed invention.

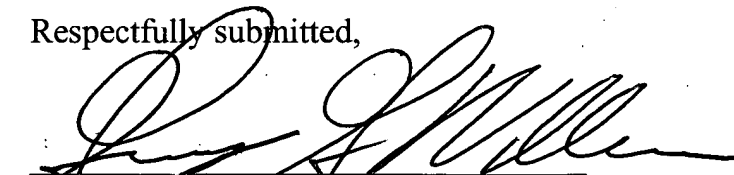
The obviousness rejections should all be overturned.

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BEFORE THE BOARD OF PATENT APPEALS AND
INTERFERENCES

The Applicants respectfully request that the rejection of all the pending claims be reversed and that the application, as amended, be allowed.

1-10-05
Date

Respectfully submitted,



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CLAIMS APPENDIX

Claim 1. A computer system comprising:

a chassis, having a plurality of slots thereon each configured for receiving one of a plurality of planar shaped circuit cards therein;

a shroud coupled to said chassis to form an enclosure about said plurality of planar shaped circuit cards;

said plurality of planar shaped circuit cards each configured for providing an independent dedicated server function; and,

each of said plurality of planar shaped circuit cards being configured so as to be free from any direct communication connection with any inter-card bus inside said enclosure.

Claim 2. A system of claim 1 wherein said plurality of planar shaped circuit cards comprises a first card providing an email server function; a second card providing a web server function; and a third card providing a file storage function.

Claim 3. A system of claim 1 wherein power is provided to said plurality of planar shaped circuit cards by a sole power supply.

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Claim 4. A system of claim 1 wherein said plurality of slots comprises a plurality of industry standard slots, each of which is configured for mechanical and electrical cooperation with one of said plurality of planar shaped circuit cards via an industry standard expansion slot.

Claim 5. A system of claim 4 wherein said plurality of industry standard slots are ISA slots.

Claim 6. A system of claim 4 wherein said plurality of industry standard slots are PCI slots.

Claim 7. A system of claim 4 wherein said industry standard expansion slot includes a plurality of traces, all of which, except for those traces dedicated to provision of power, are unused by said plurality of planar shaped circuit cards.

Claim 8. A system of claim 7 wherein said plurality of planar shaped circuit cards comprises a first card providing an email server function; a second card providing a web server function; and a third card providing a file storage function.

Claim 9. A system of claim 8 wherein power is provided to said plurality of planar shaped circuit cards by a sole power supply.

Claim 10. A system of claim 9 wherein said plurality of industry standard slots are PCI slots.

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Claim 11. A method of providing computing functions comprising:

providing a chassis having a power supply and a plurality of industry standard expansion slots;

providing a first industry standard expansion card, which is dedicated to providing a first single server function;

providing a second industry standard expansion card, which is dedicated to providing a second single server function;

providing a single common source of power for said first industry standard expansion card and said second industry standard expansion card;

providing a dedicated communication line from said first industry standard expansion card to an external connector;

providing a dedicated communication line from said second industry standard expansion card to an external connector;

prohibiting direct communication from said first industry standard expansion card to a bus extending between said plurality of industry standard expansion slots; and,

prohibiting direct communication from said second industry standard expansion card to a bus extending between said plurality of industry standard expansion slots.

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EVIDENCE APPENDIX

There is no evidence associated with this appeal.

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INTERFERENCES

RELATED PROCEEDINGS APPENDIX

There are no related proceedings associated with this appeal.